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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,180	01/21/2004	Kia Silverbrook	SMA01US	2057

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

GARCIA JR, RENE

ART UNIT	PAPER NUMBER
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2853

NOTIFICATION DATE	DELIVERY MODE
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10/01/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/760,180	Applicant(s) SILVERBROOK ET AL.	
	Examiner Rene Garcia Jr	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/02/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al. (US 6,612,240) in view of Michalik (US 5,469,788) and Lackner et al. (US 6,092,802).

Silverbrook et al. discloses the following claim limitations:

*regarding claim 1, digital photofinishing system comprising: (fig. 5, 6; col. 1, lines 6-11)

*roll of print media/**web/** (col. 1, lines 39, 40, 50-53; ABS; fig 5 – web not shown but obvious that the web is a continuous roll of media and known in art for web to be a roll of media)

*printer/**10/** (fig. 1; col. 3, lines 14-21) comprising two confronting (fig. 11; col. 4, lines 18-25; col. 4, line 64 – col. 5, line 25; col. 5, lines 45-52), spaced-apart print head assemblies/**54/**

*means for feeding/**roller assembly, 74/** print media to the printer from the roll of the print media/**web/** (fig. 9, 10; col. 4, lines 38-55; col. 6, lines 60-65; col. 7, lines 15-29)

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*digital processor arranged to receive digitised data representative of a photographic image and to process the data in a manner to generate a printer drive signal representative of the photographic image (col. 7, lines 30-col. 8, line 4; col. 3, lines 14-20; col. 5, lines 12-40; while not specific to a processor being present, it is well known in the art for printers to provide electronics to accept incoming data via a source, such as PC, and generate necessary print data specific to print the image; furthermore the presence of print engine controllers/126/ and PCB's/108,110/ indicate presence of such capabilities; wherein the claim recitation does not require any specifics not known to be utilized in prior art, therefore reasonably to be present in Silverbrook et al. US 6,612,240)

*wherein the printer is arranged to process the drive signal and effect page-width printing of the photographic image on the print media as it is fed to and through the printer from the roll (col. 1, lines 54-56)

Silverbrook et al. does not disclose the following claimed limitations:

*regarding claim 1, slitte mounted downstream of the printer and configured to cut the print media into sheets having predetermined widths

*guillotine mounted to slitte, the guillotine being selectively actuatable to cut the print media at selected intervals

Michalik teaches the following:

*regarding claim 1, slitte mounted downstream of the printer and configured to cut the print media into sheets having predetermined widths (fig. 1, 2; col. 3, lines 34-37; col. 4, lines 6-30)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a slitter mounted downstream of the printer and configured to cut the print media into sheets having predetermined widths as taught by Michalik into Silverbrook et al. for the purpose of creating tabloids or inserts. Silverbrook et al. and Michalik are related art in teaching the use of webs (medium) to create images at high speeds, wherein Silverbrook et al. fails to discuss the function of cutting the web to any predetermined end size. It is obvious to a person having skill in the art to recognize that such means as presented by Michalik can function to operate on the invention of Silverbrook at a stage after image has been formed, therefore meeting the limitations presented.

Lackner et al. teaches the following:

*regarding claim 1, guillotine/**knife, 13/** mounted to slitte**r/cutting device, 7/**, the guillotine being selectively actuatable to cut the print media at selected intervals (col. 3, lines 30-65; fig. 5, 6; ABS; col. 1, lines 14-20, lines 38-46; col. 2, lines 13-30)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a guillotine mounted to slitte**r**, the guillotine being selectively actuatable to cut the print media at selected intervals as taught by Lackner et al. into Silverbrook et al. for the purpose of producing smaller portions of a larger printed web/medium/ for optimization of speed and web/medium/ usage.

3. Claims 1, 6, 7, 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al. (US 2002/0093569) [herein '569] in view of Silverbrook et al. (US

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6,612,240) [herein '240] and Michalik (US 5,469,788) and Lackner et al. (US 6,092,802).

Silverbrook et al. '569 discloses the following claim limitations:

*regarding claim 1, digital photofinishing system comprising: (fig. 1, 11-13; ABS; ¶0001, 0007, 0009, 0002)

*roll of print media/**504/** (fig. 1, 5, 13; ¶0035, 0036)

*printer/**printhead, 516; printhead sub-assembly, 508/** (fig. 1, 2, 3, 5; ¶0038)

*means for feeding/**stepper motor, 530; drive roller, 534; roller assembly, 536; gear train, 538/** (fig. 2, 5; ¶0040) print media to the printer from the roll of the print media

*digital processor/**camera print engine control chip, 721/** (fig. 4, 5, 6; ¶0047, 0051) arranged to receive digitised data representative of a photographic image and to process the data in a manner to generate a printer drive signal representative of the photographic image (known in the art for printers to provide electronics to accept incoming data via a source, such as PC, and generate necessary print data specific to print the image; furthermore the presence of print engine control chip/721/ indicates presence of such capabilities)

*wherein the printer is arranged to process the drive signal and effect page-width printing of the photographic image on the print media as it is fed to and through the printer from the roll (¶0015)

*regarding claim 6, cartridge/**504/** removably in juxtaposition to the printer, the cartridge housing: (¶0035; fig. 1, 12, 13)

*the roll of print media/**504/** to be fed to the printer and incorporating means for coupling with a print media feed drive mechanism/**roller assembly, 536/** (fig. 2, 5; ¶0040)

*at least one refillable fluid cartridge/reservoirs, 548/ (fig. 5; ¶0041, 0038) containing printing ink to be delivered to the printer

*regarding claim 7, roll of print media/**504/** is removably mounted to a tubular core of the cartridge and wherein the at least one fluid cartridge/**548/** is removably located within the tubular core (fig. 5; ¶0038, 0041)

*regarding claim 19, processor/**721/** and the printer/**516, 508/** are mounted to a support structure/**print engine, 500; print engine assembly, 502/** and wherein a cartridge/**504/** containing a replaceable said roll of the print media is removable mounted to the support structure (fig. 1, 2, 3; ¶0035)

*regarding claim 20, support structure includes a compartment and the cartridge is removably located in the compartment (fig. 12, 13; ¶0035)

*regarding claim 21, print media feed means/**roller assembly, 536/** (fig. 2, 5; ¶0040) are located in the cartridge/**504/** and drive means/ **stepper motor, 530; drive**

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roller, 534; roller assembly, 536; gear train, 538/ (fig. 2, 5; ¶0040) are provided on the support structure/**500, 502/** (fig. 1, 2, 3; ¶0038, 0039, 0040) and are arranged to couple with the feed means to effect feeding of the print media through the printer when the cartridge is mounted to the support structure

*regarding claim 22, paper feed drive mechanism is mounted to the compartment and is arranged to engage said roll of the print media (fig. 1, 2, 3; ¶0040)

*regarding claim 23, door/**engageable portion, 540/** is provided in a wall portion of the primary cartridge and wherein the door is arranged to be opened to enable the paper feed drive mechanism to engage the roll of print media (fig. 2; ¶0040)

*regarding claim 24, paper feed drive mechanism comprises a pivotal carrier, a first drive motor arranged to impart pivotal drive to the carrier, a primary drive roller mounted to the carrier and arranged to engage the roll of print media when the door in the primary cartridge is open, and a second drive motor arranged to impart rotary drive to the primary roller (¶0040)

*regarding claim 25, print media feed means include a drive roller and a pinch roller, and wherein the drive means comprises a third drive motor which is mounted to the support structure (fig. 1, 2, 3, 4, 10; ¶0040)

Silverbrook et al. '569 does not disclose the following claim limitations:

*regarding claim 1, printer comprising two confronting, spaced-apart print head assemblies

*slitter mounted downstream of the printer and configured to cut the print media into sheets having predetermined widths

*guillotine mounted to slitter, the guillotine being selectively actuatable to cut the print media at selected intervals

Silverbrook et al. '240 teaches the following:

*regarding claim 1, printer comprising two confronting, spaced-apart print head assemblies (fig. 9, 11; col. 4, lines 18-25; col. 4, line 65 – col. 5, line 7; col. 5, lines 12-51; wherein '240 teaches a page-width printhead structure separate, see figure 9 with relation to print engine/56/; '569 teaches printhead sub-assembly/508/, see figures 2, 3 and 5; printhead structure would therefore have been obvious to adjust structure of one with the other to achieve additional capabilities)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a printer comprising two confronting, spaced-apart print head assemblies as taught by Silverbrook et al. '240 into Silverbrook et al. '569 for the purpose of providing two-sided printing capability to printing system.

Michalik teaches the following:

*regarding claim 1, slitter mounted downstream of the printer and configured to cut the print media into sheets having predetermined widths (fig. 1, 2; col. 3, lines 34-37; col. 4, lines 6-30)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a slit mounted downstream of the printer and configured to cut the print media into sheets having predetermined widths as taught by Michalik into Silverbrook et al. for the purpose of creating tabloids or inserts. Silverbrook et al. and Michalik are related art in teaching the use of webs (medium) to create images at high speeds, wherein Silverbrook et al. fails to discuss the function of cutting the web to any predetermined end size. It is obvious to a person having skill in the art to recognize that such means as presented by Michalik can function to operate on the invention of Silverbrook at a stage after image has been formed, therefore meeting the limitations presented.

Lackner et al. teaches the following:

*regarding claim 1, guillotine/**knife, 13/** mounted to a slit/**cutting device, 7/**, the guillotine being selectively actuatable to cut the print media at selected intervals (col. 3, lines 30-65; fig. 5, 6; ABS; col. 1, lines 14-20, lines 38-46; col. 2, lines 13-30)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a guillotine mounted to a slit, the guillotine being selectively actuatable to cut the print media at selected intervals as taught by Lackner et al. into Silverbrook et al. for the purpose of producing smaller portions of a larger printed web/medium/ for optimization of speed and web/medium/ usage.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Lackner et al. (US 6,092,802) teaches the additional

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claim limitations of utilizing a guillotine/knife/ to cut the medium inline with a slit/cutting device/ to produce smaller portions of a larger web/medium/. The claim limitation of a guillotine does not provide significant structural differences from the prior art to define the present invention over the prior art. The use of slit/cutting device/ mechanism is known in standard industrial printing applications where it is cost effective and speed efficient to print on larger size mediums multiple duplicates of an image and then cut down to desired dimensions. It is therefore within reason for a person having ordinary skill in the art to recognize that such mechanism are applicable in printing apparatus utilizing web-feed medium, such as utilized in Silverbrook et al. (US 6,612,240).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communications with the USPTO

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia Jr whose telephone number is (571)272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. G./

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/Stephen D Meier/

Supervisory Patent Examiner, Art Unit 2853